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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/574,470

Filing Date: March 31, 2006

SEP 9 2008 Applicant:

Masaro TAKAGI et al.

Group Art Unit: Unassigned

Examiner: Unassigned

Title: PRODUCING PROCESS OF STERILE PLANTS,
PLANTS OBTAINED BY THE PROCESS, AND USE OF
PLANTS

Attorney Docket: 12480-000175/US

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop Amendment

September 22, 2006

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form PTO-1449 attached hereto.

II. COPIES

A. Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) for each cited pending unpublished U.S. application listed below in Section IV, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. Any patents, publications or other information which are listed on Form PTO-1449 or on the copies of Form PTO-892, but which are not enclosed herewith,

were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form PTO-1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form PTO-1449 are enclosed herewith.

D. This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form PTO-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. See the attached foreign patent office communication from a counterpart foreign application:
2. English translations are provided for: JP 2000-300273, JP 2004-24108, JP 2001-269177, JP 2001-269178, JP 2001-292776, JP 2001-292777, JP 2001-269176 and JP 2001-269179.
3. Other:

C. The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
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V. THIS IDS IS BEING FILED UNDER

A. 37 C.F.R. § 1.97(b): (check only one box)

1. within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4. before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. See the certification below. No fee is required.

C. 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

- A. each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. § 1.704(d) below in section VII, if applicable; or
- B. no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- C. Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. § 1.704(d)

The undersigned hereby states that:

- each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

- A. No fee is believed to be due in light of the above-noted status or above-provided certification.
- B. A check in the amount of \$180.00 is enclosed for the above-identified fee.
- C. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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DJD/GPB:ame

Enclosures: Form PTO-1449(s) (1 sheet(s))
 Documents
 Foreign Search Report
 Fee
 Other:

FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET NO.	SERIAL NO.
		12480-000175/US	10/574,470
PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		APPLICANT	
		Masaro TAKAGI et al.	
Sheet 1 of 2		FILING DATE	GROUP
		March 31, 2006	Unassigned

CHP SEP 9 2006
PATENT AND TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date

FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
		JP 2000-300273	10-31-2000	Japan		Abstract	
		JP 2004-24108	01-29-2004	Japan		Abstract	
		JP 2001-269177	10-02-2001	Japan		Abstract	
		JP 2001-269178	10-02-2001	Japan		Abstract	
		JP 2001-292776	10-23-2001	Japan		Abstract	
		JP 2001-292777	10-23-2001	Japan		Abstract	
		JP 2001-269176	10-02-2001	Japan		Abstract	
		JP 2001-269179	10-02-2001	Japan		Abstract	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
		Kokichi Hinata, "Flowers-Molecular Biology of Sex and Reproduction", <i>Japan Scientific Society Press</i> , February 28, 2001, pp 116-117.
		Hajime Sakai, "Molecular Genetics of Flower Development Molecular Mechanisms as a Determinant of Plant Shape", <i>Shujunsha</i> , January 5, 2000, pp 150-155.
		Ingrid M. van der Meer et al., "Antisense Inhibition of Flavonoid Biosynthesis in Petunia Anthers Results in Male Sterility", <i>The Plant Cell</i> , Vol. 4, March 1992, pp 253-262.
		G. Kriete et al., "Male Sterility in transgenic tobacco plants induced by tapetum-specific deacetylation of the externally applied non-toxic compound N-acetyl-L-phosphinothricin", <i>The Plant Journal</i> , 1996 9(6), pp 809-818.
		Michael Hernould et al., "Male-sterility induction in transgenic tobacco plants with an unedited <i>atp9</i> mitochondrial from wheat", <i>Proc. Natl. Acad. Sci.</i> , Vol. 90, March 1993, pp 2370-2374.

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET NO.	SERIAL NO.
		12480-000175/US	10/574,470
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		Masaro TAKAGI et al.	
Sheet 2 of 2		FILING DATE	GROUP
		March 31, 2006	Unassigned

		Edouardo Zabeleta et al., "Transgenic male-sterile plant induced by an unedited <i>atp9</i> gene is restored to fertility by inhibiting its expression with antisense RNA", <i>Proc. Natl. Acad. Sci.</i> , Vol. 93, October 1996, pp 11259-11263.
		Qi Xie et al., "Arabidopsis NAC1 transduces auxin signal downstream of TIR1 to promote lateral root development", <i>Genes & Dev.</i> , 2000, 14: pp 3024-3036.
		Thomas P. Beals et al., "A Novel Cell Ablation Strategy Blocks Tobacco Anther Dehiscence", <i>The Plant Cell</i> , Vol. 13, August 2001, pp 1527-1545.
		Masaru Ohta et al., "Repression Domains of Class II EFR Transcriptional Repressors Share an Essential Motif for Active Repression", <i>The Plant Cell</i> , Vol. 13, August 2001, pp 1959-1968.
		Keiichiro Hiratsu et al., "The SUPERMAN protein is an active repressor whose carboxy-terminal repression domain is required for the development of normal flowers", <i>FEBS</i> 25882, <i>FEBS Letters</i> 514, 2002, pp 351-354.
		Thomas Jack et al., "The Homeotic Gene APETALA3 of <i>Arabidopsis thaliana</i> Encodes a MADS Box and Is Expressed in Petals and Stamens", <i>Cell</i> , Vol. 68, February 21, 1992, pp 683-697.
		James U. Bowie et al., "Deciphering the Message in Protein Sequences: Tolerance to Amino Acid Substitutions", <i>SCIENCE</i> , Vol. 247, pp 1306-1310.
		Detlef Becker, "Binary vectors which allow the exchange of plant selectable markers and reporter genes", <i>Nucleic Acid Research</i> , Vol. 18, No. #1, Oxford University Press, 1990, pp 203.

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Date Considered:

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